

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

THOMAS TACKETT )  
C/O WARREN LAW FIRM, LLC )  
174 WEST MAIN STREET )  
CHILLICOTHE, OHIO 45601 )

CASE NO.:

(Plaintiff)

Vs

JUDGE:

ABDULLAHI ALI )  
2910 FRANKLIN AVENUE )  
APARTMENT 1611 )  
MINNEAPOLIS, MINNESOTA 55406 )

AND

HABIL TRANSPORTATION LLC )  
C/O BILLIE HASHI )  
310 E 38<sup>TH</sup> STREET, SUITE 203 )  
MINNEAPOLIS, MINNESOTA 55409 )

AND

STATE FARM MUTUAL AUTOMOBILE )  
INSURANCE COMPANY )  
C/O CORPORATION SERVICE )  
COMPANY )  
50 WEST BROAD STREET, SUITE 1330 )  
COLUMBUS, OHIO 43215 )

(Defendants.)

**COMPLAINT FOR DAMAGES AND  
FOR DECLARATION OF RIGHTS**

Comes now Plaintiff, Thomas Tackett, and for Complaint states the following:

**PARTIES**

1. Habil Transportation LLC is a Federal Motor Carrier with its main office in Minneapolis, Minnesota 55409.

2. Abdullahi Ali is a commercial driver who holds a Commercial Drivers License. [REDACTED]  
Ali is or was an employee or agent of Habil Transportation LLC.
3. Thomas Tackett is a resident of Ross County, Ohio.

**I. NEGLIGENCE, RECKLESSNESS, AND NEGLIGENCE PER SE  
BEHAVIOR OF TRUCK ABDULLAHI ALI**

4. On or about November 6, 2020, Abdullahi Ali, was driving a 2004 Volvo Boxed Van on US 35 exit ramp, turning onto St. Rt. 159 in Ross County, Ohio.
5. Abdullahi Ali owed a duty of care to the general public and to Thomas Tackett to operate and/or maintain his commercial motor vehicle in a manner that he would not damage others.
6. Abdullahi Ali violated that duty of care by not safely turning left. Ali struck the vehicle driven by Tackett, and disabled that vehicle. Defendant Ali violated O.R.C. 4511.33A1.

**II. STATUTORY VIOLATIONS OF ABDULLAHI ALI**

7. Abdullahi Ali violated state and federal statutes and regulations including O.R.C. 4511.33A1.
8. Abdullahi Ali is negligent per se based on these statutory and regulatory violations

**III. VICARIOUS LIABILITY OF HABIL TRANSPORTATION LLC**

9. Abdullahi Ali was the employee, agent, servant or independent contractor for Habil Transportation LLC, acting within the course and scope of his duty to Habil Transportation LLC.
10. Habil Transportation LLC is vicariously liable for the acts of Abdullahi Ali stated herein.

**IV. STRICT LIABILITY OF HABIL TRANSPORTATION LLC**

11. Abdullahi Ali's legal relationship to Habil Transportation LLC is irrelevant. Habil Transportation LLC is the registered owner of the USDOT Number displayed on the commercial motor vehicle involved in this collision and is therefore responsible for the acts of Abdullahi Ali, as listed under 49C.F.R.390.11.

**V. NEGLIGENCE AND RECKLESSNESS AND WANTON BEHAVIOR OF HABIL TRANSPORTATION LLC**

12. Habil Transportation LLC had a duty to act reasonably in hiring, training, and supervising Abdullahi Ali.
13. Habil Transportation LLC had a duty to make and enforce rules to ensure Abdullahi Ali did not harm the general public or Thomas Tackett.
14. Habil Transportation LLC had a duty to inspect and maintain its commercial motor vehicle so that it would not harm the general public or Thomas Tackett.
15. Habil Transportation LLC violated these duties and is therefore negligent, reckless, or liable for willful and wanton behavior.

**VI. STATUTORY VIOLATION OF HABIL TRANSPORTATION LLC**

16. Habil Transportation LLC violated state and federal rules and regulations including O.R.C. 4511.39 among others.
17. Habil Transportation LLC is negligent per se based on those statutory and regulatory violations.

**VII. DAMAGES**

18. Thomas Tackett was damaged when Abdullahi Ali failed to change lanes properly causing a crash. Thomas Tackett has suffered harms and losses including without limitation past and future medical bills, reduced enjoyment of life, physical pain and emotional suffering, and lost wages.

**CAUSATION**

19. All of Thomas Tackett's damages, harms and losses were proximately caused by the negligence, recklessness or willful and wanton behavior of Habil Transportation LLC and Abdullahi Ali.

**STATE FARM INSURANCE COMPANY – MED PAY**

20. State Farm Insurance Company has made payments or may make payments for medical bills for the benefit of Plaintiff. Pursuant to contract or statute, State Farm Insurance Company may have an interest in this matter.

**PRAYER FOR RELIEF**

Wherefore, for all the foregoing, Thomas Tackett prays for joint and several judgment against defendants Abdullahi Ali and Habil Transportation LLC, in an amount sufficient to compensate him for his damages, harms and losses, and for punitive damages. And for a determination of the rights and responsibilities of State Farm, Insurance Company. And for all other relief just and proper in the premises.

Respectfully Submitted,

/s/Michael Wm Warren  
Michael Wm Warren (0074557)  
Warren Law Firm, LLC  
174 W. Main St.  
Chillicothe, Ohio 45601  
(740) 774-4357  
(866) 503-7887  
[mwarren@buckeyelegal.com](mailto:mwarren@buckeyelegal.com)

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

**THOMAS TACKETT**

**PLAINTIFF**

**v.**

**ABDULLAHI ALI, *et al.*,**

**DEFENDANTS**

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\*  
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**CASE NO.: 21CV007989**

**Judge Karen Phipps**

**AGREED ENTRY REALIGNING  
THE PARTIES**

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The parties having advised the Court they are in agreement, and the Court being otherwise sufficiently advised, it is hereby ORDERED as follow:

Defendant, State Farm Mutual Automobile Insurance Company is realigned in this case and is now a Plaintiff in pursuing its right of subrogation for any payments made to or on behalf of Plaintiff, Thomas Tackett, against Defendants as asserted in State Farm's cross-claim in this matter. State Farm is no longer a Defendant in this case.

So ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Judge Karen Phipps

HAVE SEEN AND AGREED:  
TO BE ENTERED:

*/s/ Michael Wm Warren (w/permission)*

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Attorney for Plaintiff

*/s/ David W. Zahniser*

---

Attorney for Defendants

*/s/ M. Jason Founds (w/permission)*

---

Attorney for State Farm

**7 IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

**THOMAS TACKETT**

**PLAINTIFF**

**v.**

**ABDULLAHI ALI, *et al.*,**

**DEFENDANTS**

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\*

**CASE NO.: 21CV007989**

**Judge Karen Phipps**

**ANSWER OF DEFENDANTS,  
ABDULLAHI ALI AND HABIL  
TRANSPORTATION, LLC**

**WITH JURY DEMAND  
ENDORSED HEREON**

***Electronically Filed***

---

Defendants, Abdullahi Ali and Habil Transportation, LLC, by their attorneys, for their answer to Plaintiff's complaint, state as follows:

**FIRST DEFENSE**

1. The complaint fails to state a cause of action upon which relief may be granted and, therefore, it should be dismissed.

**SECOND DEFENSE**

2. The complaint may be barred by the applicable statute of limitations and, therefore, it should be dismissed.

**THIRD DEFENSE**

3. The court lacks proper jurisdiction over the subject matter of this action and, therefore, the complaint should be dismissed.

**FOURTH DEFENSE**

4. The court lacks personal jurisdiction over Defendants and, therefore, the complaint should be dismissed.

**FIFTH DEFENSE**

5. Venue in this action is improper and, therefore, the complaint should be dismissed or, alternatively, transferred to a proper venue.

**SIXTH DEFENSE**

6. The complaint fails to join necessary and/or proper parties under Rule 19, including, but not limited to, subrogated insurers with subrogated claims and other parties with subrogation interests.

**SEVENTH DEFENSE**

7. If Plaintiff was injured or damaged as alleged in the complaint, then the alleged injuries and damages, if any, may be barred or reduced by Plaintiff's own independent acts or omissions of negligence, contributory negligence, and/or assumption of the risk.

**EIGHTH DEFENSE**

8. If Plaintiff was injured or damaged as alleged in the complaint, then the alleged injuries and damages, if any, may be barred or reduced by the independent acts or omissions of negligence by a person or persons other than Defendants. Further, the negligence of such other person or persons may have been primary and active and, therefore, Plaintiff may be barred from recovering from Defendants.

**NINTH DEFENSE**

9. If Plaintiff was injured or damaged as alleged in the complaint, then the alleged injuries and damages, if any, may have been the sole, proximate, and/or substantial result of an intervening and/or superseding act or acts of negligence over which Defendants had no control or responsibility; Defendants specifically plead and rely upon same as a complete or partial bar to Plaintiff's recovery herein.

**TENTH DEFENSE**

10. Defendants hereby incorporate by reference and further rely upon all defenses which become available during discovery or due to a change in the law.

**ELEVENTH DEFENSE**

11. Defendants specifically reserve the right, in accordance with the civil rules to amend their pleadings to conform with discovery or the evidence at trial, or for purposes of asserting any counterclaim or cross-claim.

**TWELFTH DEFENSE**

12. Defendants state that Plaintiff may have failed to mitigate his damages, if any, and such failure may be a complete or partial bar to Plaintiffs' recovery.

**THIRTEENTH DEFENSE**

13. The complaint fails to comply with Rule 9 regarding statement of special damages and, therefore, should be dismissed.

#### **FOURTEENTH DEFENSE**

1. Defendants admit the allegations in paragraph 1 of the complaint and that Defendant Ali has a CDL, as alleged in paragraph 2 of the complaint. The remaining allegations in paragraph 2 of the complaint are denied as pled. Defendants admit Defendant Ali was operating a vehicle under the USDOT authority of Defendant Habil Transportation.
2. Defendants are without sufficient knowledge to either admit or deny the allegations in paragraphs 3 and 20 of the complaint and, therefore, they are denied.
3. Defendants admit Defendant Ali was operating a vehicle on or about November 6, 2020, on or near US 35 and St. Rt. 159 in Ross County, Ohio, as alleged in paragraph 4 of the complaint. The remaining allegations in paragraph 4 of the complaint are denied.
4. Defendants are not required to plead to the statements of law in paragraphs 5, 10, 11, 12, 13, and 14 of the complaint. To the extent negligence and/or liability to Plaintiff can be implied from the statements, both are denied. Defendants admit Defendant Ali was operating a vehicle under the USDOT authority of Defendant Habil Transportation and that Defendant Habil Transportation is the registered owner of the USDOT number displayed on the vehicle driven by Defendant Ali.
5. Defendants deny the allegations in paragraphs 6, 7, 8, 15, 16, 17, 18, and 19 of the complaint
6. Regarding the allegations in paragraph 9 of the complaint, they are denied as pled. Defendants admit Defendant Ali was operating a vehicle under the USDOT authority of Defendant Habil Transportation.
7. Defendants specifically deny any allegation in the complaint not expressly admitted herein.

#### **FIFTHTEENTH DEFENSE**

8. Plaintiff's claims for punitive damages are unconstitutional, violating constitutional protections of the Ohio Constitution and the United States Constitution. Punitive damages are penal in nature and Defendants are being subjected to claims for criminal penalty without the constitutional safeguards against double jeopardy, vagueness from the lack of specific guidelines and standards, self-incrimination, and of proof beyond a reasonable doubt, equal protection, substantive due process, and procedural due process.

#### **SIXTEENTH DEFENSE**

9. Discovery and trial of any asserted punitive damages claims of Plaintiff should be bifurcated from the underlying negligence claims asserted herein.



WHEREFORE, Defendants, Abdullahi Ali and Habil Transportation, LLC, having fully answered, plead the following:

1. That the complaint be dismissed with prejudice;
2. For their costs incurred herein, including reasonable attorney fees; and
3. For any and all other relief to which they are entitled.

Respectfully submitted,

Garvey Shearer Nordstrom, PSC

*/s/ David W. Zahniser*

---

David W. Zahniser (OH 0077560)  
2388 Grandview Dr.  
Ft. Mitchell, KY 41017  
Phone: 859-308-1490  
Fax: 866-675-3676  
E-mail: [dzahniser@garveyshearer.com](mailto:dzahniser@garveyshearer.com)  
Attorneys for Defendants,  
Abdullahi Ali and  
Habil Transportation, LLC

### **JURY DEMAND**

Defendants, Abdullahi Ali and Habil Transportation, LLC, demand a trial by jury on all issues.

*/s/ David W. Zahniser*

---

David W. Zahniser (OH 0077560)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of February, 2022, the foregoing pleading was electronically filed through the Court's e-filing system, which system will send electronic notification to all counsel of record. The foregoing was also emailed to the following:

Michael Wm Warren: [mwarren@buckeyelegal.com](mailto:mwarren@buckeyelegal.com)

*/s/ David W. Zahniser*

---

David W. Zahniser (OH 0077560)

**7 IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

**THOMAS TACKETT**

**PLAINTIFF**

**v.**

**ABDULLAHI ALI, *et al.*,**

**DEFENDANTS**

**\* CASE NO.: 21CV007989**  
**\***   
**\* Judge Karen Phipps**  
**\***   
**\* ANSWER OF DEFENDANTS,**  
**\* ABDULLAHI ALI AND HABIL**  
**\* TRANSPORTATION, LLC, TO**  
**\* THE FIRST AMENDED CROSS-**  
**\* CLAIM OF STATE FARM**  
**\* MUTUAL AUTOMOBILE**  
**\* INSURANCE COMPNAY**  
**\***   
**\* *Electronically Filed***

---

Defendants, Abdullahi Ali and Habil Transportation, LLC, by their attorneys, for their answer to the first amended cross-claim of State Farm Mutual Automobile Insurance Company, state as follows:

**FIRST DEFENSE**

1. The cross-claim and first amended cross-claim fail to state a cause of action upon which relief may be granted and, therefore, they should be dismissed.

**SECOND DEFENSE**

2. The cross-claim and first amended cross-claim may be barred by the applicable statute of limitations and, therefore, they should be dismissed.

**THIRD DEFENSE**

3. The court lacks proper jurisdiction over the subject matter of this action and, therefore, the complaint, cross-claim, and first amended cross-claim should be dismissed.

**FOURTH DEFENSE**

4. The court lacks personal jurisdiction over Defendants and, therefore, the complaint, cross-claim, and first amended cross-claim should be dismissed.

**FIFTH DEFENSE**

5. Venue in this action is improper and, therefore, the complaint, cross-claim, and first amended cross-claim should be dismissed or, alternatively, transferred to a proper venue.

### **SIXTH DEFENSE**

1. Defendants admit the allegation in paragraph 1 of the first amended cross-claim.
2. Defendants are without sufficient knowledge to either admit or deny the allegations in paragraph 2 of the first amended cross-claim and, therefore, they are denied.
3. Defendants deny the allegations in paragraph 3 of the first amended cross-claim as pled. Defendants deny any allegation of negligence.
4. Defendants deny the allegations in paragraph 4 of the first amended cross-claim as they are pled. Plaintiff's complaint speaks for itself. Defendants specifically deny any liability.
5. Defendants specifically deny any allegation in the cross-claim and first amended cross-claim not expressly admitted herein.

WHEREFORE, Defendants, Abdullahi Ali and Habil Transportation, LLC, having fully answered, plead the following:

1. That the complaint, cross-claim, and first amended cross-claim be dismissed with prejudice;
2. For their costs incurred herein, including reasonable attorney fees; and
3. For any and all other relief to which they are entitled.

Respectfully submitted,

Garvey Shearer Nordstrom, PSC

*/s/ David W. Zahniser*

---

David W. Zahniser (OH 0077560)  
2388 Grandview Dr.  
Ft. Mitchell, KY 41017  
Phone: 859-308-1490  
Fax: 866-675-3676  
E-mail: [dzahniser@garveyshearer.com](mailto:dzahniser@garveyshearer.com)  
Attorneys for Defendants,  
Abdullahi Ali and  
Habil Transportation, LLC

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of March, 2022, the foregoing pleading was electronically filed through the Court's e-filing system, which system will send electronic notification to all counsel of record. The foregoing was also emailed to the following:

Michael Wm Warren: [mwarren@buckeyelegal.com](mailto:mwarren@buckeyelegal.com)

M. Jason Founds: [jfounds@ggtbl.com](mailto:jfounds@ggtbl.com)

*/s/ David W. Zahniser*

---

David W. Zahniser (OH 0077560)

**7 IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

**THOMAS TACKETT**

**PLAINTIFF**

**v.**

**ABDULLAHI ALI, *et al.*,**

**DEFENDANTS**

**\* CASE NO.: 21CV007989**  
**\***   
**\* Judge Karen Phipps**  
**\***   
**\* ANSWER OF DEFENDANTS,**  
**\* ABDULLAHI ALI AND HABIL**  
**\* TRANSPORTATION, LLC, TO**  
**\* CROSS-CLAIM OF STATE FARM**  
**\* MUTUAL AUTOMOBILE**  
**\* INSURANCE COMPNAY**  
**\***   
**\* *Electronically Filed***  
**\***

---

Defendants, Abdullahi Ali and Habil Transportation, LLC, by their attorneys, for their answer to the cross-claim of State Farm Mutual Automobile Insurance Company, state as follows:

**FIRST DEFENSE**

1. The cross-claim fails to state a cause of action upon which relief may be granted and, therefore, it should be dismissed.

**SECOND DEFENSE**

2. The cross-claim may be barred by the applicable statute of limitations and, therefore, it should be dismissed.

**THIRD DEFENSE**

3. The court lacks proper jurisdiction over the subject matter of this action and, therefore, the complaint and cross-claim should be dismissed.

**FOURTH DEFENSE**

4. The court lacks personal jurisdiction over Defendants and, therefore, the complaint and cross-claim should be dismissed.

**FIFTH DEFENSE**

5. Venue in this action is improper and, therefore, the complaint and cross-claim should be dismissed or, alternatively, transferred to a proper venue.

### SIXTH DEFENSE

1. Defendants admit the allegation in paragraph 1 of the cross-claim.
2. Defendants are without sufficient knowledge to either admit or deny the allegations in paragraph 2 of the cross-claim and, therefore, they are denied.
3. Defendants deny the allegations in paragraph 3 of the cross-claim.
4. Defendants deny the allegations in paragraphs 4 and 5 of the cross-claim as they are pled. Plaintiff's complaint speaks for itself. Defendants specifically deny any liability.
5. Defendants specifically deny any allegation in the cross-claim not expressly admitted herein.

WHEREFORE, Defendants, Abdullahi Ali and Habil Transportation, LLC, having fully answered, plead the following:

1. That the complaint and cross-claim be dismissed with prejudice;
2. For their costs incurred herein, including reasonable attorney fees; and
3. For any and all other relief to which they are entitled.

Respectfully submitted,

Garvey Shearer Nordstrom, PSC

*/s/ David W. Zahniser*

---

David W. Zahniser (OH 0077560)  
2388 Grandview Dr.  
Ft. Mitchell, KY 41017  
Phone: 859-308-1490  
Fax: 866-675-3676  
E-mail: [dzahniser@garveyshearer.com](mailto:dzahniser@garveyshearer.com)  
Attorneys for Defendants,  
Abdullahi Ali and  
Habil Transportation, LLC

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Michael Wm Warren: [mwarren@buckeyelegal.com](mailto:mwarren@buckeyelegal.com)

M. Jason Founds: [jfounds@ggtbl.com](mailto:jfounds@ggtbl.com)

*/s/ David W. Zahniser*

---

David W. Zahniser (OH 0077560)



MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS  
GENERAL DIVISION, COURT OF COMMON PLEAS

KAREN PHIPPS

CASE TITLE: THOMAS TACKETT -VS- ABDULLAHI ALI ET AL

CASE NUMBER: 21CV007989

CLERK'S ORIGINAL CASE SCHEDULE

	LATEST TIME OF OCCURRENCE
CASE FILED	12/28/21
INITIAL DISCLOSURES OF THE PARTIES [CIV. R. 26(B)(3)]	02/22/22
DISCOVERY CONFERENCE OF COUNSEL AND UNREPRESENTED PARTIES [CIV. R. 26(F)]	03/22/22
JOINT DISCOVERY PLAN TO BE FILED	14 DAYS AFTER PARTIES DISCOVERY CONFERENCE
CASE MANAGEMENT/PRETRIAL CONFERENCE WITH COURT	SET UPON REQUEST TO CHAMBERS
EXPERT WITNESS [CIV. R. 26(B)(7)]	
DISCLOSE IDENTITY - PARTY WITH BURDEN	05/24/22
DISCLOSE IDENTITY - PARTY WITHOUT BURDEN	NO LATER THAN 30 DAYS AFTER OPPOSING DISCLOSURE
EXPERT REPORT & CV DUE - PARTY WITH BURDEN	06/21/22
EXPERT REPORT & CV DUE - PARTY WITHOUT BURDEN	NO LATER THAN 45 DAYS AFTER OPPOSING REPORTS
DISPOSITIVE MOTION DEADLINE	08/23/22
DISCOVERY CUTOFF DATE	09/20/22
FINAL PRETRIAL CONFERENCE	12/27/22 0845AM
TRIAL ASSIGNMENT	01/23/23 0900AM

## NOTICE TO ALL PARTIES

Attorneys and unrepresented parties must become familiar with the 2020 amendments to the Ohio Rules of Civil Procedure and this court's Local Rules.

The Original Case Schedule is an important tool to assist the parties and the court in meeting case management guidelines in the Ohio Superintendence Rules, and otherwise achieving timely disposition of civil cases notwithstanding the priority given to criminal cases under Crim. R. 50.

Judicial Officers of this court may modify the Original Case Schedule following receipt of the parties' Joint Discovery Plan, or for good cause at any other point in the case. However, it is essential for attorneys and unrepresented parties to pursue their cases diligently from the outset. Deadlines set in the Rules and in this Original Case Schedule are normally binding, not merely aspirational.

**E3366 - Q48**

FROM

MARYELLEN O'SHAUGHNESSY  
FRANKLIN COUNTY CLERK OF COURTS  
373 SOUTH HIGH STREET  
COLUMBUS, OHIO 43215-4579

C E R T I F I E D  
M A I L  
R E C E I P T

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2021 DEC 30 PM 3:25  
CLERK OF COURTS  
12/29/21  
ABDULLAHI ALI  
2910 FRANKLIN AVENUE  
APARTMENT 1611  
MINNEAPOLIS, MN  
55406

21CV-12-7989 C

THOMAS TACKETT  
VS  
ABDULLAHI ALI

SERVICE ITEM: 01  
ORIGINAL SUMMONS

CERTIFIED  
NUMBER

9214890119 522807432702

CIV354

**E3366 - Q47**

FROM

**MARYELLEN O'SHAUGHNESSY  
FRANKLIN COUNTY CLERK OF COURTS  
373 SOUTH HIGH STREET  
COLUMBUS, OHIO 43215-4579**

**C E R T I F I E D  
M A I L  
R E C E I P T**

**FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2021 DEC 30 PM 3:25  
CLERK OF COURTS  
12/29/21**

**HABIL TRANSPORTATION  
C/O BILLIE HASHI  
310 E 38TH STREET  
SUITE 203  
MINNEAPOLIS, MN  
55409**

**21CV-12-7989 C**

**THOMAS TACKETT  
VS  
ABDULLAHI ALI**

**SERVICE ITEM: 01  
ORIGINAL SUMMONS**

**CERTIFIED  
NUMBER**

**9214890119 522807432696**

**CIV354**

IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS

THOMAS TACKETT,	)	Case No. 21 CV 7989
	)	
Plaintiff,	)	Judge Karen Phipps
v.	)	
	)	
ABDULLAHI ALI, et al.,	)	
	)	
Defendants.	)	

**STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY’S FIRST  
AMENDED CROSS-CLAIM AGAINST DEFENDANTS ALI AND HABIL  
TRANSPORTATION**

Now comes Defendant State Farm Mutual Automobile Insurance Company, by and through counsel, and for its Cross-claim against Defendants Ali and Habil Transportation, states as follows:

**FIRST CAUSE OF ACTION**

1. Defendants Ali and Habil Transportation have been named as Co-Defendants as is more fully set forth in Plaintiff’s Complaint.
2. State Farm has paid \$7,027.38 and may in the future pay money to the Plaintiff in an amount to be identified, under the medical payments coverage of Plaintiff’s insurance policy, pursuant to the terms and conditions of that policy.
3. Plaintiff alleges the sole and proximate cause of the accident which is the subject of the Complaint was the negligence of Defendants Ali and Habil Transportation.
4. If the Defendants are found liable to have proximately caused the accident, then Defendants are liable to State Farm Mutual Automobile Insurance Company for any payments it makes under its policy.

**WHEREFORE**, Defendant State Farm Mutual Automobile Insurance Company demands a money judgment against Defendants Ali and Habil Transportation in an amount reasonable and

proper to compensate its losses; in an amount which may be in excess of \$25,000.00, plus interest, and for costs expended, and for any additional relief deemed equitable and just by this Court.

Respectfully submitted,

GALLAGHER, GAMS, TALLAN,  
BARNES & LITRELL L.L.P.

By: /s/ M. Jason Founds  
M. JASON FOUNDS (0069468)  
471 East Broad Street, 19th Floor  
Columbus, Ohio 43215-3872  
(614) 228-5151 Fax: (614) 228-0032  
jfounds@ggtbl.com  
Attorney for Defendant State Farm Mutual  
Automobile Insurance Company

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was served upon:

Michael Wm. Warren (0074557)  
Warren Law Firm, LLC  
174 West Main Street  
Chillicothe, Ohio 45601  
Ph: 740-774-4357 Fax: 866-503-7887  
mwarren@buckeyelegal.com  
Attorney for Plaintiff

David W. Zahniser (077560)  
Garvey Shearer Nordstrom, PSC  
2388 Grandview Dr.  
Ft. Mitchell, KY 41017  
Ph: 859-308-1490 Fax: 866-675-3676  
[dzahniser@garveyshearer.com](mailto:dzahniser@garveyshearer.com)  
Attorney for Defendants Abdullahi Ali  
And Habil Transportation, LLC

via the Franklin County, Ohio Common Pleas Clerk's electronic filing ("e-File") service, or by regular U.S. mail, postage prepaid, on this 23rd day of February, 2022.

/s/ M. Jason Founds  
M. JASON FOUNDS (0069468)  
Attorney for Defendant State Farm Mutual  
Automobile Insurance Company

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

Thomas Tackett	:	
Plaintiff,	:	Case No.: 21-CV-7989
	:	
Vs	:	Judge: Phipps
	:	
Ali Abdullahi, et al.	:	
Defendants.	:	

**NOTICE OF APPEARANCE**

Now comes Attorney Aaron M. McHenry of Warren Law Firm, 174 W. Main St., Chillicothe, Ohio 45601, and hereby enters his appearance as co-counsel on behalf of Plaintiff, Thomas Tackett.

Respectfully submitted,

/s/Aaron M McHenry  
Michael Wm Warren (0074557)  
Aaron M McHenry (0071308)  
Warren Law Firm, LLC  
174 West Main Street  
Chillicothe, Ohio 45601  
P: (740) 774-4357  
F: (866) 503-7887  
E: mwarren@buckeyelegal.com  
amchenry@buckeyelegal.com  
*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of February 2022, a copy of the foregoing was sent via electronic mail to the following:

David W. Zahniser at [dzahniser@garveyshearer.com](mailto:dzahniser@garveyshearer.com)  
*Counsel for Defendants Abdullahi Ali*  
*and Habil Transportation, LLC*

M Jason Founds at [jfounds@ggtbl.com](mailto:jfounds@ggtbl.com)  
*Counsel for Defendant State Farm*  
*Mutual Automobile Insurance Company*

/s/Aaron M McHenry  
Michael Wm Warren (0074557)  
Aaron McHenry (0071308)  
Warren Law Firm, LLC  
*Counsel for Plaintiff*





Date Produced: 01/17/2022

COC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1952 2807 4327 02. Our records indicate that this item was delivered on 01/14/2022 at 10:29 a.m. in MINNEAPOLIS, MN 55413. The scanned image of the recipient information is provided below.

Signature of Recipient :

C19 NA 1/14/22  
Ali Abdullahi

Address of Recipient :

900 14th Ave NE  
APT 519

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Sincerely,  
United States Postal Service

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CLERK OF COURTS  
2022 JAN 24 AM 8:41  
COLUMBIA CO. OHIO

Customer Reference Number

5540621CV07989TACKE



Date Produced: 01/10/2022

COC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1952 2807 4326 89. Our records indicate that this item was delivered on 01/03/2022 at 11:17 a.m. in COLUMBUS, OH 43215. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to be "M. J. Brown", written over a horizontal line.

Address of Recipient :

A handwritten address in black ink, appearing to be "50 W Brown St", written over a horizontal line.

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Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

CLERK OF COURTS  
JAN 14 AM 11:28  
L.M. CO. OHIO

Customer Reference Number: 4321521CV07989TACKE



Date Produced: 01/10/2022

COC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1952 2807 4326 72. Our records indicate that this item was delivered on 01/03/2022 at 02:12 p.m. in CHILLICOTHE, OH 45601. The scanned image of the recipient information is provided below.

Signature of Recipient :

11-0-19  
W. A. C. M.

Address of Recipient :

1211 W. Main St.  
Chillicothe, OH 45601

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Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

CLERK OF COURTS  
JAN 11 2022  
CHILlicothe, OHIO

Customer Reference Number: 4560121CV07989TACKE

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS  
GENERAL DIVISION, COURT OF COMMON PLEAS

CASE TITLE: THOMAS TACKETT -VS- ABDULLAHI ALI ET AL

CASE NUMBER: 21CV007989

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:  
CERTIFIED MAIL

DOCUMENTS TO BE SERVED:  
COMPLAINT

PROPOSED DOCUMENTS TO BE SERVED:

UPON:

THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO  
C/O CORPORATION SERVICE  
50 WEST BROAD STREET  
SUITE 1330  
COLUMBUS, OH 43215

HABIL TRANSPORTATION LLC  
C/O BILLIE HASHI  
310 E 38TH STREET  
SUITE 203  
MINNEAPOLIS, MN 55409

ABDULLAHI ALI  
2910 FRANKLIN AVENUE  
APARTMENT 1611  
MINNEAPOLIS, MN 55406

JUVENILE CITATIONS ONLY:

HEARING TYPE:

\_\_ Date already scheduled at : Courtroom:

Electronically Requested by: MICHAEL WILLIAM WARREN  
Attorney for:

E3366 - 035

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
CIVIL DIVISION

THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601,

PLAINTIFF,

VS.

ABDULLAHI ALI  
2910 FRANKLIN AVENUE  
APARTMENT 1611  
MINNEAPOLIS, MN 55406,

DEFENDANT.

21CV-12-7989  
CASE NUMBER

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2021 DEC 30 PM 3:27  
CLERK OF COURTS

\*\*\*\* SUMMONS \*\*\*\*

12/28/21

TO THE FOLLOWING NAMED DEFENDANT:

ABDULLAHI ALI  
2910 FRANKLIN AVENUE  
APARTMENT 1611  
MINNEAPOLIS, MN 55406

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY  
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,  
BY: THOMAS TACKETT

C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF  
THE PLAINTIFF'S ATTORNEY IS:

MICHAEL W. WARREN  
WARREN LAW FIRM LLC  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S  
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY  
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE  
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER  
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A  
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED  
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE COMMON PLEAS  
FRANKLIN COUNTY, OHIO

BY: TAMMY SEELIG, DEPUTY CLERK

(CIV370-S03)

E3366 - 034

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
CIVIL DIVISION

THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601,

PLAINTIFF,

VS.

ABDULLAHI ALI  
2910 FRANKLIN AVENUE  
APARTMENT 1611  
MINNEAPOLIS, MN 55406,

DEFENDANT.

21CV-12-7989  
CASE NUMBER

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2021 DEC 30 PM 3:27  
CLERK OF COURTS

\*\*\*\* SUMMONS \*\*\*\*

12/28/21

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HABIL TRANSPORTATION LLC  
C/O BILLIE HASHI  
310 E 38TH STREET  
SUITE 203  
MINNEAPOLIS, MN 55409

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COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,

BY: THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601,

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MARYELLEN O'SHAUGHNESSY  
CLERK OF THE COMMON PLEAS  
FRANKLIN COUNTY, OHIO

BY: TAMMY SEELIG, DEPUTY CLERK

(CIV370-S03)

E3366 - 033

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
CIVIL DIVISION

THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601,

PLAINTIFF,

VS.

ABDULLAHI ALI  
2910 FRANKLIN AVENUE  
APARTMENT 1611  
MINNEAPOLIS, MN 55406,

DEFENDANT.

21CV-12-7989  
CASE NUMBER

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2021 DEC 30 PM 3:27  
CLERK OF COURTS

\*\*\*\* SUMMONS \*\*\*\*

12/28/21

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STATE FARM MUTUAL AUTOMOBILE INSURANCE C  
C/O CORPORATION SERVICE  
50 WEST BROAD STREET  
SUITE 1330  
COLUMBUS, OH 43215

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COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,

BY: THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601,

PLAINTIFF(S).

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AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE COMMON PLEAS  
FRANKLIN COUNTY, OHIO

BY: TAMMY SEELIG, DEPUTY CLERK

(CIV370-S03)



E3366 - 032

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
CIVIL DIVISION

THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601,

PLAINTIFF,

VS.

ABDULLAHI ALI  
2910 FRANKLIN AVENUE  
APARTMENT 1611  
MINNEAPOLIS, MN 55406,

DEFENDANT.

21CV-12-7989  
CASE NUMBER

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\*\*\*\* SUMMONS \*\*\*\*

12/28/21

TO THE FOLLOWING NAMED DEFENDANT:

THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
CHILLICOTHE, OH 45601

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY  
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,

BY: THOMAS TACKETT  
C/O WARREN LAW FIRM  
174 WEST MAIN STREET  
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AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE COMMON PLEAS  
FRANKLIN COUNTY, OHIO

BY: TAMMY SEELIG, DEPUTY CLERK

(CIV370-S03)

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

Thomas Tackett	:	
Plaintiff,	:	Case No.: 21-CV-7989
	:	
Vs	:	Judge: Phipps
	:	
Ali Abdullahi, et al.	:	
Defendants.	:	

**INITIAL DISCLOSURE OF WITNESSES**

Comes now Plaintiff Thomas Tackett, by Counsel, , and discloses the following witnesses likely to be called at trial.

1. All treating physicians
  - a. Dr. Bradley Strauch, Adena Orthopedic & Spine Institute, 272 Hospital Rd., Chillicothe, Ohio 45601
  - b. Dr. Gus Barraqueta, Adena Orthopedic & Spine Institute, 272 Hospital Rd., Chillicothe, Ohio 45601
2. Officer Nicholas Thornton with the OSHP Post71
3. Thomas Tackett, Plaintiff
4. Defendant Abdullahi Ali, Defendant
5. Deborah Hughes, Daughter of Plaintiff, 586 Skiver Rd., Chillicothe, Ohio 45601
6. Abigail Hughes, Granddaughter of Plaintiff, 588 Skiver Rd., Chillicothe, Ohio 45601

Respectfully Submitted,

/s/Aaron M McHenry  
Michael Wm Warren (0074557)  
Aaron M McHenry (0071308)  
Warren Law Firm, LLC  
174 W. Main Street  
Chillicothe, OH 4560  
(740) 774-4357  
(866) 229-5014  
[mwarren@buckevelegal.com](mailto:mwarren@buckevelegal.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of February 2022, a copy of the foregoing was sent via electronic mail to the following:

David W. Zahniser at [dzahniser@garveyshearer.com](mailto:dzahniser@garveyshearer.com)  
*Counsel for Defendants Abdullahi Ali*  
*and Habil Transportation, LLC*

M Jason Founds at [jfounds@ggtbl.com](mailto:jfounds@ggtbl.com)  
*Counsel for Defendant State Farm*  
*Mutual Automobile Insurance Company*

/s/Aaron M McHenry  
Michael Wm Warren (0074557)  
Aaron McHenry (0071308)  
Warren Law Firm, LLC